

DRAFT

MINUTES OF THE CITY COUNCIL
OF THE
CITY OF GREENSBORO, N. C.

REGULAR MEETING:

15 JANUARY 2002

The City Council of the City of Greensboro met in regular session at 6:00 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present: Mayor Keith A. Holliday, presiding; Councilmembers Claudette Burroughs-White, Sandra G. Carmany, Florence F. Gatten, Belvin J. Jessup, Yvonne J. Johnson, Robert V. Perkins, Thomas M. Phillips, and Donald R. Vaughan. Absent: None. Also present were J. Edward Kitchen, City Manager; Linda A. Miles, City Attorney; and Juanita F. Cooper, City Clerk.

The meeting was opened with a moment of silence and the Pledge of Allegiance to the Flag led by Gayle Fripp of the Greensboro Historical Museum. Speaking to Ms. Fripp's upcoming retirement, Council commended her for her many years of dedicated service to the City of Greensboro.

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The Manager recognized Pattie Elwood, employee in the Finance Department, who served as courier for the meeting.

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The Mayor explained the Council procedure for conduct of the meeting.

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The Mayor recognized and congratulated Mike Barber, the new Chairperson on the Guilford County Board of Commissioners.

Mr. Barber spoke to the importance of Greensboro as the largest municipality in Guilford County, spoke to the relationships and ongoing dialogue between Greensboro and the County, advised of his willingness to meet and work with Greensboro representatives, noted the many successful partnership efforts between the two governments, and reiterated the desire of the Governing Bodies to do what was best for the community.

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Allan Williams, Water Resources Department Director, and City Manager Kitchen presented update on Greensboro's water supply to increase public awareness and encouraged continued water conservation efforts.

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Mayor Holliday stated that requests had been received to delete items 8, 13 and 35 on the Council agenda and asked that Council take appropriate action.

Councilmember Johnson moved that item #8, an ordinance rezoning property from RM-26 Residential Multifamily to General Office Moderate Intensity for property located on the west side of North Spring Street north and south of Bellemeade Street be deleted. The motion was seconded by Councilmember Vaughan and adopted unanimously by voice vote of Council.

Councilmember Vaughan moved that item #13, an ordinance rezoning from RS-9 Residential Single Family to Conditional Use-RM-8 Residential Multifamily for property located at the southeast intersection of Parkway and West Bessemer Avenue be deleted. The motion was seconded by Councilmember Burroughs-White and adopted unanimously by voice vote of Council.

Councilmember Carmany moved that item #35, a resolution authorizing purchase of property of Nora Mae Hamilton for the Calumet Place Sanitary Sewer Outfall be deleted. The motion was seconded by Councilmember Jessup and adopted unanimously by voice vote of Council.

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits located at 2520 Preddy Boulevard (Interstate 85 South). He thereupon introduced so these matters could be discussed together, an ordinance establishing original zoning classification from County Zoning Conditional Use-Highway Business to City Zoning Conditional Use-Highway Business for property located at 2520 Preddy Boulevard (Interstate 85) east of Osborne Road. The Mayor administered the oath to those individuals who were present to speak to this matter.

William F. Ruska, Jr., Zoning Administrator in the Planning Department, used a map to illustrate the property and surrounding area and provided the following staff presentation:

REQUEST – ITEM 7

This request is to establish original zoning of property from County Zoning Conditional Use – Highway Business to City Zoning Conditional Use – Highway Business.

The Highway Business District is primarily intended to accommodate retail, service, and distributive uses which are typically located along thoroughfares.

The existing County Conditional Use – Highway Business District contains the conditions which are listed on the agenda and in the copy of the staff presentation:

- 1) Existing billboard to be removed and not replaced at expiration of lease.

CONDITIONAL USE CONDITIONS FOR THE REQUESTED ZONING DISTRICT

- 1) Existing billboard to be removed and not replaced at expiration of lease.

DESCRIPTION OF THE PROPERTY, SURROUNDING LAND USE AND ZONING

This property consists of approximately 2.5 acres and is located at 2520 Preddy Boulevard (Interstate 85) east of Osborne Road.

	<u>Zoning</u>	<u>Land Use</u>
Subject Property	CU-HB	Vacant
North	HB	Oakwood Mobile Homes
East	LI	I-85 right-of-way
South	LI	I-85 right-of-way
West	CU-LI	U.S. Postal Service facility

Mr. Ruska stated that the Planning Department and Zoning Commission had recommended approval of the request. He thereupon provided slides of the property and surrounding area.

Mayor Holliday asked if anyone wished to be heard.

Mr. Ruska provided the following staff recommendation:

Item 7 – Preddy Boulevard

The Planning Department recommends that this original zoning be approved.

This request is the result of a utility agreement annexation petition that allows the property owner to obtain both water and sewer.

The zoning that is proposed is the same designation with the same condition that currently exists under County Zoning.

There being no one present desiring to speak to these matters, Councilmember Vaughan moved to close the public hearing for both items. The motion was seconded by Councilmember Burroughs-White and adopted unanimously by voice vote of Council.

Councilmember Burroughs-White moved adoption of the ordinance annexing territory to the corporate limits located at 2520 Preddy Boulevard (Interstate 85 South). The motion was seconded by Councilmember Vaughan; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

02-1 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT 2520 PREDDY BOULEVARD (I-85 SOUTH) – 2.46 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing Greensboro city limit line (as of September 30, 2001, said point being the northeast corner of Lot 2 of Shilo East Farms, Two, Inc., recorded at Plat Book 92, Page 135 in the Office of the Register of Deeds of Guilford County; THENCE DEPARTING FROM THE EXISTING CITY LIMITS S 60° 48' 45" W 317.80 feet along the southeast line of said lot to a point; thence S 58° 40' 12" W 155.52 feet along the southeast line of said lot to a point; thence S 57° 46' 00" W 165.20 feet along the southeast line of said lot to a point; thence S 56° 36' 16" W 48.13 feet along the southeast line of said lot to the southwest corner line of said lot; thence N 04° 23' 40" E 394.90 feet along the west line of said lot to the northwest corner of said lot, a point in the existing city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS S 85° 34' 52" E 561.63 feet to the point and place of BEGINNING, and containing approximately 2.46 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after March 31, 2002, the liability for municipal taxes for the 2001-2002 fiscal year shall be prorated on the basis of 3/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2002. Municipal ad valorem taxes for the 2002-2003 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after March 31, 2002.

(Signed) Claudette Burroughs-White

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Councilmember Vaughan moved adoption of the ordinance establishing original zoning classification from County Zoning Conditional Use-Highway Business to City Zoning Conditional Use-Highway Business for property located at 2520 Preddy Boulevard (Interstate 85) east of Osborne Road based on the following findings of fact:

- 1) The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety because there are no health or safety concerns inherent in the potential use of the property.
- 2) The development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property because almost all surrounding property is zoned for commercial or industrial use or is adjacent to interstate right-of-way.
- 3) The location and character of the development in accordance with the proposed conditions will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because this request carries forth the same zoning designation with the same conditions that currently exist under County Zoning.

The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

02-2 AMENDING OFFICIAL ZONING MAP AND AUTHORIZING ISSUANCE OF CONDITIONAL USE PERMIT

2520 PREDDY BOULEVARD (INTERSTATE 85) EAST OF OSBORNE ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by rezoning from County Zoning Conditional Use – Highway Business to City Zoning Conditional Use – Highway Business (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the existing Greensboro city limit line (as of September 30, 2001, said point being the northeast corner of Lot 2 of Shilo East Farms, Two, Inc., recorded at Plat Book 92, Page 135 in the Office of the Register of Deeds of Guilford County; THENCE DEPARTING FROM THE EXISTING CITY LIMITS S 60° 48' 45" W 317.80 feet along the southeast line of said lot to a point; thence S 58° 40' 12" W 155.52 feet along the southeast line of said lot to a point; thence S 57° 46' 00" W 165.20 feet along the southeast line of said lot to a point; thence S 56° 36' 16" W 48.13 feet along the southeast line of said lot to the southwest corner line of said lot; thence N 04° 23' 40" E 394.90 feet along the west line of said lot to the northwest corner of said lot, a point in the existing city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS S 85° 34' 52" E 561.63 feet to the point and place of BEGINNING, and containing approximately 2.46 acres.

Section 2. That the issuance of a Conditional Use Permit in accordance with the above-mentioned change in zoning classification is hereby authorized subject to the following use limitations and conditions:

- 1) Existing billboard to be removed and not replaced at expiration of lease.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development to be made pursuant to any Conditional Use Permit shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective upon the date of annexation.

(Signed) Donald R. Vaughan

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The Mayor stated that this was the time and place set for a public hearing to consider an ordinance rezoning property from Heavy Industrial to Conditional Use-Shopping Center for property located on the south side of West Wendover Avenue and north side of Interstate 40 between Big Tree Way and Carnegie Place. He thereupon introduced so that these matters could be discussed together, an ordinance rezoning property from Heavy Industrial to Conditional Use-Highway Business for property located on the south side of West Wendover Avenue east of Big Tree Way. Mayor Holliday noted that the two ordinances had received a vote of 5 to 3, with one abstention, by the Zoning Commission to recommend approval of the rezonings. The Mayor administered the oath to those individuals who were present to speak to this matter.

Mr. Ruska used a map to illustrate the property and surrounding area and noted this was the former site of Guilford Mills. He advised that it was his understanding that the applicant would ask to withdraw approximately 18 acres from the request and had provided City staff with a revised legal description. Mr. Ruska provided the following staff presentations for Items 9 and 10:

REQUEST – ITEM 9

This request is to rezone property from Heavy Industrial to Conditional Use – Shopping Center.

The Heavy Industrial District is primarily intended to accommodate a wide range of assembling, fabricating, and manufacturing activities.

The Shopping Center District is primarily intended to accommodate a wide range of high intensity retail and service developments meeting the shopping needs of the community and the region.

CONDITIONAL USE CONDITIONS FOR THE REQUESTED ZONING DISTRICT

All uses allowed in the Shopping Center zoning district.

- 1) Developer shall provide an additional eastbound lane along its property frontage and extending to the Interstate 40 ramp as approved by GDOT and NCDOT. Developer shall dedicate the necessary right-of-way for this purpose.
- 2) Developer shall install a median along Wendover Avenue between Big Tree Way and a point north of Meadowood Street as approved by GDOT and NCDOT.
- 3) Developer shall install an additional left turn lane in each direction on Wendover Avenue at Meadowood Street as approved by GDOT and NCDOT.
- 4) Developer shall upgrade two traffic signals along Wendover Avenue from Big Tree Way to Meadowood Street as necessary to accommodate additional lanes or changes in traffic signal phasing and as directed by GDOT and NCDOT.

- 5) The turning radii of the right-in/right-out driveway on Wendover Avenue shall be no less than 50 feet to allow for truck access as approved by GDOT and NCDOT.
- 6) Developer will provide additional driveway entrances and exits as shown in the Traffic Impact Study.
- 7) All dumpsters shall be screened.
- 8) No outparcels shall have direct driveway access from Wendover Avenue.
- 9) All perimeter lighting shall be directed toward the interior of the subject property.
- 10) There shall be architectural harmony between the outparcel buildings and the main buildings of the retail parcel.
- 11) No Sexually Oriented Business shall be allowed.
- 12) Along the frontage of Wendover Avenue, the average width of the street yard, the rate of shrub planting and minimum caliper of canopy trees shall be increased from that required by the ordinance to the following amounts: 16', 34 per 100 and 3", respectively.
- 13) Developer will provide widening of the road along the northeast side of Meadowood Street of approximately 700 feet in length as approved by GDOT.

DESCRIPTION OF THE PROPERTY, SURROUNDING LAND USE AND ZONING

This property consists of approximately 53.81 acres and is located on the south side of West Wendover Avenue and north side of Interstate 40 between Big Tree Way and Carnegie Place.

	<u>Zoning</u>	<u>Land Use</u>
Subject Property	HI	Former Guilford Mills plant & undeveloped property
North	CU-HB LI	Strip shopping center & furniture store (under construction) Auto dealership
East	PI LI	Guilford Center Auto dealership
South	HI, HB	Interstate 40
West	HB	Fast food restaurant & interstate interchange

REQUEST – ITEM 10

This request is to rezone property from Heavy Industrial to Conditional Use – Highway Business.

The Heavy Industrial District is primarily intended to accommodate a wide range of assembling, fabricating, and manufacturing activities.

The Highway Business District is primarily intended to accommodate retail, service and distributive uses which are typically located along thoroughfares.

CONDITIONAL USE CONDITIONS FOR THE REQUESTED ZONING DISTRICT

- 1) All uses allowed in the Shopping Center zoning district.
- 2) There shall be no curb cuts to this property on Wendover Avenue with the exception of any driveway needed to provide an entrance to the shopping center from the traffic signal at Big Tree Way.
- 3) Access to this property shall be through the adjacent shopping center.
- 4) All perimeter lighting shall be directed toward the interior of the subject property.
- 5) No Sexually Oriented Business shall be allowed.

- 6) Along the frontage of Wendover Avenue, the average width of the street yard, the rate of shrub planting and minimum caliper of canopy trees shall be increased from that required by the ordinance to the following amounts: 16', 34 per 100 and 3", respectively.

DESCRIPTION OF THE PROPERTY, SURROUNDING LAND USE AND ZONING

This property consists of approximately 1.01 acres and is located on the south side of West Wendover Avenue east of Big Tree Way.

	<u>Zoning</u>	<u>Land Use</u>
Subject Property	HI	Undeveloped portion of Guilford Mills property
North	CU-HB	Restaurant
East	HI	CU-SC rezoning request
South	HI	CU-SC rezoning request
West	HB	Fast food restaurant

Mr. Ruska advised that the Planning Department and Zoning Commission had recommended in favor of the requests and presented slides of the property and surrounding area.

After Councilmember Perkins advised he should abstain from voting because his company had a direct financial interest in these matters, Councilmember Johnson moved that Councilmember Perkins be permitted to abstain from voting on these two rezoning items. The motion was seconded by Councilmember Phillips and adopted unanimously by voice vote of Council.

Henry Isaacson, Attorney representing Guilford Mills Corporation and Granite Development Corporation, stated that the applicant was requesting Council to change the description of the property contained in Item #9, the ordinance rezoning property from HI-CU-Shopping Center by deleting 18 acres from the request and confirmed that a copy of the amended description had been provided to City staff. Councilmember Vaughan moved that the ordinance be amended as requested. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of Council.

Mr. Isaacson detailed the history of the operation of Guilford Mills at this location, spoke to permitted uses currently allowed that would allow the applicant to divide the property into a number of tracts for multiple uses without any zoning changes and the applicant's desire to develop the entire parcel, and detailed the proposed development of the property, and spoke to the overall acceptable level of service of area streets. He stated that the development as planned would be in harmony with the area and would not endanger the public; Mr. Isaacson reviewed specific conditions which would improve traffic conditions and would mitigate the impact of the proposed development. He added that after area roadway construction projects were completed, Wendover Avenue should experience some improvement in traffic congestion. Speaking to the extensive work with City staff to develop recommendations, he requested Council to approve the rezoning requests.

After Council inquiries as to whether the property owner had sought to market this property for manufacturing purposes, the City Attorney advised that this was not relevant to zoning but could be discussed. Mr. Isaacson stated no interest had been expressed in using this property for that purpose.

Richard Atkins, senior transportation engineer with Neel Shafer and Associates, 2302 W. Meadowview Street, provided an overview of traffic in the area, detailed improvements planned by the developer and the City of Greensboro which would address existing traffic conditions in the area which would mitigate traffic concerns, stated that traffic on this roadway operated at an adequate level of service, explained levels of service indicated delays in traffic and advised that after the completion of area traffic construction projects, traffic on Wendover would improve.

The following individuals spoke in opposition to the rezoning requests:

Mark Grunenwald, residing at 4812 Lonita Street, provided statistical information about area accidents, stated he believed the proposed development would negatively impact the health and safety of area residents and would adversely affect traffic on Wendover Avenue by causing the deterioration of levels of service. At his request, a large number of citizens stood in the Chamber to express their opposition to the rezonings.

Donna Guinard, residing at 1602 Pepper Hill Road, spoke to the unsatisfactory levels of service on Wendover Avenue, stated she believed the development was irresponsible and would have a negative impact on traffic in the area; she requested Council to deny the rezoning requests.

Glenn Wagstaff, residing at 5106 Carolwood Drive, stated that the proposed development would have a negative impact on area residents and on existing retail in the area; he added that he believed the proposed development would devalue area properties and was inconsistent with the land use most in line with the long term plan of the community. He offered personal thoughts about land use and zoning in area, the availability of retail space in the area, and other issues; he also requested that Council deny both requests.

Chris Conrad, residing at 1102 Pepper Hill Road, stated that he believed the rezonings would be irresponsible, would cause health and safety problems, would negatively impact property values and area traffic and represented another deviation from the Southwest Plan and emerging Comprehensive Plan

Councilmember Burroughs-White moved that the public hearing for the two items be closed. The motion was seconded by Councilmember Jessup and adopted unanimously by voice vote.

C. Thomas Martin, Planning Department Director, provided the following staff recommendations for the two requests:

Item 9 – West Wendover CU-SC

The Planning Department recommends that this request be approved, as amended.

From a land use perspective, commercial zoning is consistent with the zoning pattern and character of the West Wendover Avenue area.

A true heavy industrial use, especially one that features a significant amount of associated outside storage, could be incompatible with the manner in which this area has developed.

A Traffic Impact Study has been prepared and has received careful review by GDOT.

This analysis shows that, with the recommended improvements which have been incorporated as zoning conditions, the additional traffic generated by the proposed development can be accommodated at a minimum Level of Service D at all traffic signals considered as part of this study.

As the analysis points out, traffic safety and operational benefits are projected as a result of installing the recommended median along this section of West Wendover Avenue.

Item 10 – West Wendover CU-HB

The Planning Department recommends that this request be approved.

There is Highway Business zoning on the west side of this property, as well as on the opposite side of West Wendover Avenue.

This parcel is covered by the same Traffic Impact Study prepared in support of the CU-SC request and comments related to it are incorporated in this recommendation.

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The Mayor declared a recess at 8:05 P.M.

The meeting re-convened at 8:20 P.M. with all members of Council present.

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Council discussed at length with staff various opinions about existing and proposed traffic conditions on Wendover Avenue, details about the proposed development, permitted uses under the existing zoning on the properties, conditions contained in the proposed ordinances and proposed improvements by the Transportation Department that would address/improve traffic conditions, current and proposed future levels of service on the roadway, land use issues on Wendover Avenue, and concerns expressed by the speakers.

After lengthy discussion, Councilmember Vaughan moved that the ordinance, as amended, rezoning property from Heavy Industrial to Conditional Use-Shopping Center for property located on the south side of West Wendover Avenue and north side of Interstate 40 between Big Tree Way and Carnegie Place be approved based on the following findings of fact:

- 1) The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety because there are no health or safety concerns inherent in the potential uses of the property and because the Traffic Impact Study has determined that traffic safety and operation benefits will occur as the result of installing the recommended median.
- 2) The development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property because all surrounding property is presently zoned for nonresidential uses.
- 3) The location and character of the development in accordance with the proposed conditions will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because, from a land use perspective, commercial zoning is consistent with the zoning pattern and character of West Wendover Avenue.

The motion was seconded by Councilmember Jessup; the ordinance was adopted on the following roll call vote: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Phillips and Vaughan. Noes: None, with Councilmember Perkins abstaining due to conflict of interest.

02-3 AMENDING OFFICIAL ZONING MAP AND AUTHORIZING ISSUANCE OF CONDITIONAL USE PERMIT

SOUTH SIDE OF WEST WENDOVER AVENUE AND NORTH SIDE OF INTERSTATE 40 BETWEEN BIG TREE WAY AND CARNEGIE PLACE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by rezoning from Heavy Industrial to Conditional Use – Shopping Center (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the southern right-of-way line of West Wendover Avenue, said point being located S80°38'42"W 99.60 feet from a point having North Carolina State Plane Coordinate Values of y=530024.692m and x=256552.127m, said point being further located S53°20'03"W 193.58 feet from NCGS Monument 162E 200; thence from said point of BEGINNING with the southern right-of-way line of West

Wendover Avenue along a curve to the right with a radius of 1844.31 feet, a delta angle of 03°54'59", an arc length of 126.07 feet and a chord bearing and distance of N84°09'08"E 126.04 feet to a point; thence with the line of Guilford County S01°08'29"E 568.01 feet to a point; thence with said line of Guilford County and the with the line of Greensboro Auto Auction S01°08'29"E 1,565.76 feet to a point; thence with the right-of-way line of Interstate 40 N64°59'44"W 680.14 feet to a point; thence continuing with said right-of-way line of Interstate 40 N64°58'19"W 626.40 feet to a point; thence with the line of NC DOT N50°51'55"W 676.01 feet to a point; thence with the line of Sam H. Patterson and Sarah C. Patterson N02°12'30"E 166.90 feet to a point, said point being the proposed southwest corner of the tract to be zoned CU-HB; thence with the line of said proposed CU-HB zoning tract the following three courses and distances: 1) a new line N63°44'17"E 250.30 feet to a point; 2) a new line N26°26'44"W 74.66 feet to a point; 3) a new line N35°33'38"W 193.34 feet to a point in the southern right-of-way line of West Wendover Avenue; thence with the southern right-of-way line of West Wendover Avenue the following courses and distances: 1) N62°35'53"E 539.80 feet to a point; 2) N62°36'37"E 20.16 feet to a point; 3) N62°36'37"E 5.70 feet to a point; 4) N27°04'26"W 5.03 feet to a point; 5) N62°36'03"E 402.20 feet to a point; 6) thence along a curve with a radius of 1,844.31 feet and a delta angle of 09°59'54" for an arc length of 321.84 feet a chord bearing and distance N67°36'00"E 321.43 feet to a point; 7) thence along the arc of a curve with a radius of 1,844.31 feet and a delta angle of 03°13'25" for an arc length of 103.77 feet a chord bearing and distance N74°12'40"E 103.75 feet to a point; 8) thence along the arc of a curve with a radius of 1,844.31 feet and a delta angle of 03°16'35" for an arc length of 105.46 feet a chord bearing and distance N77°27'45"E 105.45 feet to a point; thence along the arc of a curve with a radius of 1,844.31 feet and a delta angle of 03°05'41" for an arc length of 99.62 feet a chord bearing and distance N80°38'42"E 99.60 feet to the point and place of BEGINNING, containing 53.81 acres more or less.

Section 2. That the issuance of a Conditional Use Permit in accordance with the above-mentioned change in zoning classification is hereby authorized subject to the following use limitations and conditions:

- 14) All uses allowed in the Shopping Center zoning district.
- 15) Developer shall provide an additional eastbound lane along its property frontage and extending to the Interstate 40 ramp as approved by GDOT and NCDOT. Developer shall dedicate the necessary right-of-way for this purpose.
- 16) Developer shall install a median along Wendover Avenue between Big Tree Way and a point north of Meadowood Street as approved by GDOT and NCDOT.
- 17) Developer shall install an additional left turn lane in each direction on Wendover Avenue at Meadowood Street as approved by GDOT and NCDOT.
- 18) Developer shall upgrade two traffic signals along Wendover Avenue from Big Tree Way to Meadowood Street as necessary to accommodate additional lanes or changes in traffic signal phasing and as directed by GDOT and NCDOT.
- 19) The turning radii of the right-in/right-out driveway on Wendover Avenue shall be no less than 50 feet to allow for truck access as approved by GDOT and NCDOT.
- 20) Developer will provide additional driveway entrances and exits as shown in the Traffic Impact Study.
- 21) All dumpsters shall be screened.
- 22) No outparcels shall have direct driveway access from Wendover Avenue.
- 23) All perimeter lighting shall be directed toward the interior of the subject property.
- 24) There shall be architectural harmony between the outparcel buildings and the main buildings of the retail parcel.
- 25) No Sexually Oriented Business shall be allowed.
- 26) Along the frontage of Wendover Avenue, the average width of the street yard, the rate of shrub planting and minimum caliper of canopy trees shall be increased from that required by the ordinance to the following amounts: 16", 34 per 100 and 3", respectively.
- 14) Developer will provide widening of the road along the northeast side of Meadowood Street of approximately 700 feet in length as approved by GDOT.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of

Ordinances. Final plans for any development to be made pursuant to any Conditional Use Permit shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

(Signed) Donald R. Vaughan

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Councilmember Vaughan thereupon moved that the ordinance rezoning from Heavy Industrial to Conditional Use-Highway Business for property located on the south side of West Wendover Avenue east of Big Tree Way be adopted based on the following findings of fact:

- 1) The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety because there are no health or safety concerns inherent in the potential uses of the property.
- 2) The development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property because all surrounding property is presently zoned for nonresidential uses.
- 3) The location and character of the development in accordance with the proposed conditions will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because, from a land use perspective, commercial zoning is consistent with the zoning pattern and character of West Wendover Avenue.

The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Phillips and Vaughan. Noes: None, with Councilmember Perkins abstaining due to conflict of interest.

02-4 AMENDING OFFICIAL ZONING MAP AND AUTHORIZING ISSUANCE OF CONDITIONAL USE PERMIT

SOUTH SIDE OF WEST WENDOVER AVENUE EAST OF BIG TREE WAY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by rezoning from Heavy Industrial to Conditional Use – Highway Business (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the southern right-of-way line of West Wendover Avenue, said point being the northeast corner of Burger King Corporation as recorded in Deed Book 3441, Page 1615 in the Office of the Guilford County Register of Deeds; thence along said southern right-of-way line of West Wendover Avenue N62°35'53"E 75.70 feet to a point; thence leaving said southern right-of-way line S35°33'38"E 193.34 feet to a point; thence S26°26'44"E 74.68 feet to a point; thence S63°44'17"W 250.30 to a point in the line of Sam H. Patterson and Sarah C. Patterson as recorded in Deed Book 4491, Page 1801; thence along Patterson's line and line of Burger King Corporation N02°12'30"E 300.26 feet to the point and place of BEGINNING, containing 1.01 acres more or less.

Section 2. That the issuance of a Conditional Use Permit in accordance with the above-mentioned change in zoning classification is hereby authorized subject to the following use limitations and conditions:

- 1) All uses allowed in the Shopping Center zoning district.

- 2) There shall be no curb cuts to this property on Wendover Avenue with the exception of any driveway needed to provide an entrance to the shopping center from the traffic signal at Big Tree Way.
- 3) Access to this property shall be through the adjacent shopping center.
- 4) All perimeter lighting shall be directed toward the interior of the subject property.
- 5) No Sexually Oriented Business shall be allowed.
- 6) Along the frontage of Wendover Avenue, the average width of the street yard, the rate of shrub planting and minimum caliper of canopy trees shall be increased from that required by the ordinance to the following amounts: 16', 34 per 100 and 3", respectively.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development to be made pursuant to any Conditional Use Permit shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

(Signed) Donald R. Vaughan

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance rezoning from RM-18 Residential Multifamily to RS-7 Residential Single Family for property located east of Aycock Street and west of East Lake Drive between West Market Street and Northfield Drive. He thereupon introduced so these matters could be discussed together, an ordinance rezoning from RM-26 Residential Multifamily to RS-7 Residential Single Family for property located north of West Friendly Avenue and south of Courtland Street between Adams Street and Prescott Street. The Mayor noted that these ordinances were being heard on appeal filed by the Board of Directors of Westerwood Neighborhood Association, Inc., after receiving a vote of 0 to 9 by the Zoning Commission to recommend denial of the rezonings.

At Mr. Martin's request, Councilmember Phillips moved that Tax Map Parcel 113, block 4, 10, 11, 12 and 20, Kotis Properties, be deleted from the ordinance. The motion was seconded by Councilmember Gatten and adopted unanimously by Council.

Using a map to illustrate the property and surrounding area, Mr. Martin spoke to the many different land uses in the Westerwood Neighborhood; provided a history of area land use, conversion of properties and the rationale for property designations with the Unified Development Ordinance (UDO); used photographs of properties in the area, and spoke to what would be accomplished with the rezonings. Mr. Martin also provided highlights of information included in the Manager's Items for Information to Council which offered background information concerning options for City Council on Westerwood Area Rezoning from Multifamily to Single Family and noted issues raised at the recent Council briefing by the Westerwood neighborhood. Mr. Martin advised that after staff outlined several approaches for consideration by Council, the Council had directed that staff prepare rezoning applications to downzone certain property in the Westerwood neighborhood. Mr. Martin advised that the Zoning Commission had recommended denial of both downzoning requests. (A copy of the memo is filed in Exhibit Drawer N, Exhibit Number 32, which is hereby referred to and made a part of these minutes.)

Speaking to the impact the proposed rezonings would have on various properties in the Westerwood Area, Mr. Martin responded to Council inquiries regarding neighborhood's current uses, and reviewed the following options prepared by staff that Council might wish to consider:

1. Approve the rezonings as currently proposed;
2. Deny the rezonings and leave the entire area as currently zoned;
3. Delete the lots with apartments that have historically been present (shown on attached map by red cross-hatch) and rezone the balance of the area to single family;
4. Deny any lots with apartment buildings, not houses converted to apartments, and rezone the balance of the area to single family (shown on the attached map by blue cross hatch);

5. Delete any lot with a structure that contains a multifamily use and rezone the balance of the are to single family; or
6. Continue the item and ask staff for additional information.

Mr. Martin stated the Planning staff recommended that Council approve either the first or third option from the above list.

Mayor Holliday asked if anyone wished to be heard.

Speaking in favor of the proposed rezonings, the following individuals requested Council to adopt both ordinances:

Marsh Prause, residing at 516 Woodlawn Avenue, president of the Westerwood Neighborhood Association, reiterated that these rezonings had been sponsored by the City and were supported by some of the neighborhood residents. He spoke to the desire to maintain the current balance of mixed zoning uses, stated that he believed the proposed UNCG growth created economic pressure to subdivide existing houses in the area for multifamily uses that would threaten the existing housing balance in the neighborhood, presented slides of the neighborhood and spoke to the zoning changes that were made to this area in 1992. Mr. Prause spoke to problems with student housing in the neighborhood, and expressed concern with additional multifamily development that could take place by dividing or demolishing the remaining houses. He spoke to the proposed exclusion of certain properties from the rezoning ordinances, noted properties that currently operate as non-comforming uses, and requested that Council rezone area properties as they were prior to 1992. A large number of citizens were in the Chamber to support the rezoning requests.

Todd Rotruck, residing at 213 Wilson Street, spoke to the need to reverse the City's past zoning actions that were not requested by residents and had, in his opinion, negatively affected the neighborhood. He spoke to area homeowners' efforts to revitalize the area and preserve the Westerwood neighborhood, expressed concern with ongoing efforts to develop additional rental properties which he believed would negatively impact property values in the area, stated he wanted the neighborhood to maintain mixed-use zoning, and requested Council to support the Westerwood neighborhood, the comprehensive plan and revitalization efforts.

At the request of Council, Mr. Martin reviewed in detail the process to create the UDO and its adoption by Council and explained the process used to determine the appropriate zoning for properties in the area.

Stating that the Westerwood neighborhood was a gateway to Greensboro, Ann Fletcher, residing at 405 Hillcrest Drive, asked Council to restore the zoning back to the way it was prior to 1991-92; she also requested that Council preserve and protect the single family homes and the character of the neighborhood.

Ben Andrews, residing at 400 Woodlawn Avenue, spoke to the trend of voluntary downzoning in the area and the desire of homeowners to reclaim the neighborhood; he requested Council to honor the goals of the neighborhood by approving the requests.

Jack Jezorek, residing at 1405 Fairmont Street, expressed concern with respect to the changing balance and character in the Westerwood neighborhood and noted specific changes to properties on Market Street and Friendly Avenue.

Gail Barger, residing at 1503 Fairmont Street, provided details of the history of housing in the area and changes since 1991; she emphasized the ongoing desire for single family zoning in the area.

Speaking to existing housing in the neighborhood, Ellen Curlee, residing at 1503 Northfield Street, expressed the desire to protect and maintain the area's single family housing. She spoke to changes in the character of this neighborhood that had taken place and expressed concern that the neighborhood was a target for investors for profit making ventures.

Lyndon Woods, residing at 418 Hillside Drive, spoke to neighborhood changes and homeowners' efforts to maintain single family houses, provided a history of properties in the area and expressed concern with problems with some rental properties in the neighborhood.

Joe Brown, residing at 1510 West Market Street, provided a history of the neighborhood and detailed to the changes in the character of the neighborhood as a result of additional rental properties. He stated that the approval of the rezonings would help balance the single family and multifamily uses.

Laura Linder, residing at 500 East Lake Drive, requested Council to approve the rezoning requests to help preserve the neighborhood.

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The Mayor declared a recess at 10:00 p. m.

The meeting re-convened at 10:12 p.m. with all members of Council present

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Speaking in opposition to the rezoning requests, the following individuals requested Council to deny the rezonings:

Gilbert Sarvis, residing at 401 North Mendenhall Street, detailed specific uses of property in the Westerwood Neighborhood, provided a history and offered his personal thoughts about various properties and development in the area and stated that area property values had increased; he advised that he did not believe the downzoning of these properties was in the best interest of the community and was unfair to owners of multifamily units.

William T. (Todd) Rightsell, III, residing at 810 Guilford Avenue and a real estate appraiser, stated that mixed use zoning existed in the neighborhood; some properties had been negatively impacted by past zoning changes; the proposed downzoning of these property would again negatively impact property values and property owners would be financially damaged; and the grandfathering of properties wouldn't solve problems with parking, density, upkeep, etc. Stating that UNCG had the authority to condemn properties in the area, Mr. Rightsell stated he believed the area was a prime place for development of property for multifamily housing which would be good for the community and address some of UNCG's student housing problems.

Stating that he had purchased property in the area in good faith under the existing zoning as an investment, Larry Wallace, residing at 200 Woodbourne Road, an absentee property owner, stated that the zoning of properties was important for resale and development; he requested that if Council decided to rezone area properties piecemeal that his property be exempted. He stated the downzoning of properties would devalue properties in the area and cited the impact of past rezonings of property in the area. Mr. Wallace further stated that the Westerwood Neighborhood Association did not represent all area residents; he expressed concern that some area residents were not contacted and were not aware of what was taking place

In response to Council inquiries, Mr. Martin explained the City's required notification process to advise property owners of rezoning issues.

Charles Price, owner of property at 210 and 208 Adams Street, objected to the downzoning on principle because of the impact on area residents. He stated that it appeared as if staff had picked and chosen which properties to downzone, spoke to multifamily properties which had existed for years in the neighborhood, stated that people who moved into the area were aware of the zoning makeup in the neighborhood, and reiterated that he believed this was the worst example of spot zoning. Mr. Price stated that he believed it was unfair for people to attempt to downzone property owned by others.

Diane Davis, residing at 905 Fairmont Street, stated that she did not believe the downzoning would improve the quality of life in the neighborhood.

Greg Sykes, owner of property on Guilford Avenue that was currently in the permitting process, spoke to the desire to maintain a balance of housing uses in the area. He noted that some landlords did not keep their property in good condition.

J. R. Landreth, owner of property in the area, spoke to his investment in property in the community currently zoned for multifamily purposes, detailed zoning uses in the area, advised that there were ways to handle various problems with rental properties in the area, and stated he believed this to be a case of spot zoning which could set a precedent.

Wendy Wallace, residing at 200 Woodbourne Road, stated that she believed there were better ways to keep neighborhood sound than to downzone property. She stated that she believed the rezoning would devalue property and stated that residents and landlords could work with student renters to keep the neighborhood beautiful and historically sound.

John Strickland, residing at 301 East Lake Drive, stated that he didn't agree with what the Westerwood Neighborhood Association was trying to do, that he believed the zoning change would reduce the value of property in the area, and requested that Council exclude 301 East Lake Drive from the proposed rezoning.

Virginia Boyd, residing at 206 Adams, stated that she owned apartments in the area. She requested that if her property were not eliminated from the requested rezoning, that Council deny the rezoning requests.

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In rebuttal a number of speakers representing the proponents reiterated remarks made earlier in the meeting. Emily Sandine, residing at 419 Crestland Avenue, explained the process used to deliver the Westerwood Neighborhood Association newsletter and noted it was available to anyone upon request. Copies of petitions were presented in support of the rezoning items.

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In rebuttal a number of speakers representing the opponents reiterated remarks made earlier in the meeting. Virginia Boyd continued her presentation started earlier in the meeting. Todd Rightsell provided copies of petitions purportedly signed in opposition to the proposed rezoning requests.

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Mr. Martin presented the following staff recommendations:

Item 11 – RM-18 to RS-7

The Planning Department recommends that this request be approved.

Despite the RM-18 zoning classification, the majority of lots in this area contain single family residential uses – 48 single family dwellings versus 23 multifamily uses.

Legally existing nonconforming uses can continue to exist; however, this proposal will help insure that additional properties will not be converted to multifamily uses.

Staff feels that approval of this request will help maintain this area as a safe, well-maintained, livable neighborhood which provides close-in housing to the Center City.

Staff recommends that this request be left intact for the City Council to ultimately make a decision on the zoning pattern in light of wishes and concerns expressed at this and additional public hearings pertaining to the future of this area, its character, stability and sustainability.

Item 12 – RM-26 to RS-7

The Planning Department recommends that this request be approved.

Despite the RM-26 zoning classification, the majority of lots in this area contain single family residential uses – 54 single family dwellings versus 33 multifamily uses.

Furthermore, First Baptist Church which occupies a significant portion of the area proposed is a permitted use in RS-7.

Legally existing nonconforming uses can continue to exist; however, this proposal will help insure that additional properties will not be converted to multifamily uses.

Staff feels that approval of this request will help maintain this area as a safe, well-maintained, livable neighborhood which provides close-in housing to the Center City.

Staff recommends that this request be left intact for the City Council to ultimately make a decision on the zoning pattern in light of wishes and concerns expressed at this and additional public hearings pertaining to the future of this area, its character, stability and sustainability.

Councilmember Vaughan moved to close the public hearing on both zoning items. The motion was seconded by Councilmember Gatten and adopted unanimously by voice vote of Council.

Council discussed at length various concerns and opinions with respect to the rezoning requests including the original staff recommendation to rezone the entire area and suggestions for exemptions that Council might wish to consider. Using a map of the Westerwood neighborhood, individual members of Council offered personal opinions as to which neighborhood properties should be excluded from the downzoning and the rationale for their positions. Discussion also included the past history of this neighborhood, the impact the adoption of the UDO had on zoning patterns in this area, the importance of revitalization efforts for the neighborhood, and the desire to deal fairly with property owners and protect the entire neighborhood. Additional discussion was held with regard to Council's opportunity to stabilize this neighborhood with zoning changes, actions Council could take to help preserve neighborhoods near the Center City, and problems specific to the Westerwood neighborhood brought on with the expansion of UNCG and their need for additional student housing.

In response to Council inquiries, the City Attorney reiterated that staff had recommended the rezoning of this entire area and advised this would represent the strongest, most legally defensible zoning. She explained that Council must determine a rational basis for exemption of any properties.

After further discussion, Councilmember Phillips moved that the ordinance rezoning from RM-18 Residential Multifamily to RS-7 Residential Single Family for property located east of Aycock Street and west of East Lake Drive between West Market Street and Northfield Drive be amended to exclude 301 East Lake Drive. The motion was seconded by Councilmember Perkins; the motion was adopted on the following roll call vote: Ayes: Carmany, Jessup, Perkins, Phillips and Vaughan. Noes: Burroughs-White, Gatten, Holliday, and Johnson.

Councilmember Phillips thereupon moved adoption of the ordinance, as amended, rezoning from RM-18 Residential Multifamily to RS-7 Residential Single Family for property located east of Aycock Street and west of East Lake Drive between West Market Street and Northfield Drive. The motion was seconded by Councilmember Perkins; the amended ordinance was **DEFEATED** on the following roll call vote: Ayes: Gatten, Perkins, Phillips and Vaughan. Noes: Burroughs-White, Carmany, Holliday, Jessup, and Johnson.

(A copy of the ordinance as **DEFEATED** is filed in Exhibit Drawer N, Exhibit Number 32, which is hereby referred to and made a part of these minutes.)

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Council discussed opinions and concerns with respect to item # 12; i.e., the desire to protect the neighborhood and other ways to accomplish this without downzoning the properties, the potential for this neighborhood to be designated as historic, the desire to balance the area zoning to preserve the character and balance of the neighborhood, and personal thoughts about downzoning of the property.

After additional discussion, Councilmember Phillips moved adoption of the ordinance rezoning from RM-26 Residential Multifamily to RS-7 Residential Single Family for property located north of West Friendly Avenue and south of Courtland Street between Adams Street and Prescott Street. The motion was seconded by Councilmember Perkins; the following vote was recorded: Ayes: Gatten, Johnson, Perkins, Phillips and Vaughan. Noes: Burroughs-White, Carmany, Holliday and Jessup. The City Attorney advised that because this ordinance had received only five affirmative votes on First Reading, the item would be placed on the February 5 Council agenda for Second Reading.

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Some members of Council discussed at length the confusion with Council action regarding these two rezoning requests; i.e., the defeat of item #11, the five affirmative votes on First Reading of item #12, and the fact that the exclusion of property in item #11 might have contributed to the item's defeat. Lengthy Council discussion ensued with members expressing strong personal opinions and/or concerns with respect to the rezoning of the properties.

Councilmember Perkins moved that Council consider removing the exemption from item #11 defeated earlier in the meeting. The motion was seconded by Councilmember Gatten; the motion was adopted on the following roll call vote: Ayes: Burroughs-White, Gatten, Jessup, Perkins, Phillips and Vaughan. Noes: Carmany, Holliday and Johnson.

Councilmember Phillips thereupon moved that the amendment be removed from item #11. The motion was seconded by Councilmember Perkins and adopted on the following roll call vote: Ayes: Burroughs-White, Gatten, Jessup, Perkins, Phillips and Vaughan. Noes: Carmany, Holliday and Johnson.

Councilmember Phillips moved to adopt the ordinance rezoning from RM-18 Residential Multifamily to RS-7 Residential Single family for property located east of Aycock Street and west of East Lake Drive between West Market Street and northfield as originally presented. The motion was seconded by Councilmember Gatten; the ordinance was **DEFEATED** on the following roll call vote: Ayes: Gatten, Perkins, Phillips and Vaughan. Noes: Burroughs-White, Carmany, Holliday, Jessup, and Johnson. (A copy of the ordinance as introduced and Defeated is filed in Exhibit Drawer N, Exhibit Number 32, which is hereby referred to and made a part of these minutes.)

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After an explanation from the City Attorney regarding future action that could be taken by Council with regard to reconsideration of item #11, some members of Council stated that this matter might be revisited at the February 5, 2002 Council meeting when the Second Vote was taken on Item #12.

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The Mayor declared a recess at 12:01 am, 16 January 2002.

The meeting reconvened at 12:10 am, 16 January 2002.

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The Mayor stated that this was the time and place set for a public hearing to consider an ordinance rezoning from RS-9 Residential Single Family to Conditional Use-Highway Business for property located on the west side of Randleman Road between Mystic Drive and Apple Ridge Road. He noted that this matter was being heard on

appeal filed by William C. Smith after receiving a vote of 7-2 by the Zoning Commission to recommend denial of the rezoning. Mayor Holliday administered the oath to those individuals who wished to speak to this matter.

Mr. Martin used a map and slides to illustrate the property and surrounding area; he provided the following staff presentation:

REQUEST – ITEM 14

This request is to rezone property from RS-9 Residential Single Family to Conditional Use – Highway Business.

The RS-9 District is primarily intended to accommodate single family detached dwellings at a density of 4.0 units per acre or less.

The Highway Business District is primarily intended to accommodate retail, service, and distributive uses which are typically located along thoroughfares.

CONDITIONAL USE CONDITIONS FOR THE REQUESTED ZONING DISTRICT

- 1) Access to the proposed development shall be limited to one driveway access on Randleman Road (SR 1007) and one driveway access on Apple Ridge Road.
- 2) Freight access shall be limited to Apple Ridge Road.
- 3) Developer shall construct a southbound right turn lane (75 ft. storage and 140 ft. taper) on Randleman Road.
- 4) Billboards shall be prohibited.
- 5) Developer's site plan/development shall accommodate city plans to construct a sidewalk on Randleman Road.

DESCRIPTION OF THE PROPERTY, SURROUNDING LAND USE AND ZONING

This property consists of approximately 9.24 acres and is located on the west side of Randleman Road between Mystic Drive and Apple Ridge Road.

	<u>Zoning</u>	<u>Land Use</u>
Subject Property	RS-9	5 single family dwellings & vacant land
North	RM-12	Apple Ridge Condominiums
East	RS-12	4 single family dwellings
South	RS-9	2 single family dwellings & vacant lot
West	RS-9 RM-8	5 single family dwellings Apple Ridge Condominiums

Mr. Martin stated that the Planning Department and Zoning Commission had recommended denial of the rezoning request; he presented slides to illustrate the property and surrounding area.

Mayor Holliday asked if anyone wished to be heard

William C. Smith, Coldwell Bankers Commercial Triad Realtors, 3300 Battleground Avenue, requested that Council amend the proposed ordinance to reconstitute the conditions as follows:

- 1) Property use shall be limited to the development of a neighborhood shopping center.

- 2) All uses allowed in the Shopping Center zoning district with the exception of the following: No Sexually Oriented Businesses and No Bars allowed; No Car Washes, No Auto/Vehicle Repair Services, No Vehicle Sales and Rentals; No Drive-Thru Restaurants; No Gas/Convenience Stores; No Boat Sales and Repairs; No Tire Sales/Repairs; No Hotels/Motels; No Theaters; No Equipment Sales/Rentals.
- 3) Property shall be buffered by Type B Landscape Buffer w/fencing adjacent to residential properties; northside: min. 50 ft. distance from property line to building including 25 ft. min. planting yard; Westside: min. 90 ft. distance from property line to building with 25 ft. min. planting yard; eastside: min. 68 ft. distance from street to building with varying planting yard.
- 4) No Billboard signage.
- 5) All perimeter lighting shall be directed inward to safely light the site at entrances, parking and service areas.
- 6) Site plan shall accommodate City plans to construct a sidewalk on property.
- 7) Retention pond shall be located on site at rear northwest corner.
- 8) Dumpsters shall be screened.
- 9) Deliveries shall be limited to Apple Ridge Road.
- 10) Access shall be limited to one driveway access #1 on Randleman Road (SR 1007) and one driveway access #2 on Apple Ridge Road.
- 11) Developer shall construct one full movement access (driveway #1) along Randleman Road providing one southbound right-turn lane into the site with 140 ft. taper and 75 ft. storage lane and two lanes for exiting southbound and northbound.
- 12) Developer shall construct one full movement access (driveway #2) along Apple Ridge Road at 250 ft. from Randleman Road intersection providing one lane for entry and two lanes for exit.
- 13) The proposed site accesses and auxiliary lanes shall be constructed to meet or exceed all min. requirements set forth by GDOT and NCDOT.

Councilmember Vaughan moved that the ordinance be amended to reconstitute the conditions as requested by Mr. Smith. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of Council.

Stating that area residents supported this request, Mr. Smith advised a large number of citizens were present in the Chamber to demonstrate their support. He used a map to illustrate the zoning pattern in the area, stated that Randleman Road was a commercial corridor, and reviewed potential plans for the development of a shopping center which would provide services to the area. Mr. Smith provided a history of development and zoning standards and spoke to the zoning pattern in the area. Advising that Randleman Road was in transition and that this was an undesirable location for residential development, Mr. Smith stated that the proposed rezoning and development could serve as a catalyst for additional growth and development and would revitalize and improve the area. Mr. Smith stated that traffic impact studies had indicated that the proposed development would not significantly impact traffic in the neighborhood.

Todd Schwartz, residing at 605 Staunton Drive, spoke to the history and quality work of the development company, spoke to the desire to provide neighborhood amenities for the area and detailed the proposed operation of the shopping center. He stated that the development would not negatively impact the neighborhood and would have no significant impact on area traffic.

There being no one else present who wished to speak to this matter, Councilmember Johnson moved to close the public hearing. The motion was seconded by Councilmember Vaughan and adopted unanimously by voice vote of Council.

Mr. Martin provided the following staff recommendation:

Item 14 – Randleman Road

The Planning Department recommends that this request be denied.

Staff has long had a concern about this section of the Randleman Road becoming a strip commercial corridor like Battleground Avenue or High Point Road.

There are several large tracts on the opposite side of Randleman Road whose owners will also want to obtain commercial zoning and who will have a much stronger case for that if this request is approved.

Staff feels that commercial zoning of this property is incompatible with the surrounding single family and condominium developments.

Staff feels that it will be detrimental to the neighborhood to encourage commercial traffic, especially truck traffic, on Apple Ridge Road which is clearly a residential street.

This tract could easily support residential land use – if not, single family, then multifamily – either of which would be compatible with adjacent developments.

Staff feels that there is more than enough land zoned commercial in this area and we are concerned that this request would establish an adverse precedent for additional rezoning requests.

Council discussed various opinions about the requested rezoning; i.e., ingress/egress to the property, traffic volumes, the fact that this would introduce commercial zoning on a neighborhood street, etc.

After Councilmember Phillips moved that the ordinance rezoning from RS-9 Residential Single Family to Conditional Use-Highway Business be approved based on the following findings of fact: *That the location and character of the development in accordance with the proposed conditions will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs*, the motion was seconded by Councilmember Johnson. Before a vote could be taken, Mr. Martin advised that Council must offer three findings of fact to approve the ordinance.

Councilmember Phillips thereupon moved that the ordinance, as amended, rezoning from RS-9 Residential Single Family to Conditional Use—Highway Business for property located on the west side of Randleman Road between Mystic Drive and Apple Ridge Road be approved based on the following findings of fact:

1. The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety because there a no health or safety concerns inherent in the potential use of the property;
2. The development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property because most of the surrounding property along Randleman Road is presently zoned for non-residential uses; and
3. That the location and character of the development in accordance with the proposed conditions will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because from a land use perspective, Highway Business zoning is consistent with the zoning pattern and character of Randleman Road.

The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: Carmany

02-5 AMENDING OFFICIAL ZONING MAP AND AUTHORIZING ISSUANCE OF CONDITIONAL USE PERMIT

WEST SIDE OF RANDLEMAN ROAD BETWEEN MYSTIC DRIVE AND APPLE RIDGE ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by rezoning from RS-9 Residential Single Family to Conditional Use – Highway Business (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the intersection of the western right-of-way line of Randleman Road and the northern right-of-way line of Apple Ridge Road; thence along said northern right-of-way line N85°03'43"W 398.44 feet to a point, said point being the southeast corner of Lot 40 of Apple Ridge Subdivision as recorded in Plat Book 85, Page 114 in the Office of the Guilford County Register of Deeds; thence along the line of said Lot 40 N05°45'23"E 3.72 feet to a point; thence continuing along the line of said Lot 40 N05°45'23"E 157.25 feet to a point, said point being the southeast corner of Lot 41 of said Apple Ridge Subdivision; thence N05°56'51"E 18.72 feet to a point; thence S83°20'53"E 21.55 feet to a point; thence N01°03'30"W 230.81 feet to a point, said point being a common corner of Lots 42 and 43 of said Apple Ridge Subdivision; thence N84°41'06"W 199.17 feet to a point; thence N21°17'00"W 139.43 feet to a point; thence N21°18'23"W 138.45 feet to a point, said point being a common corner with Phase 6 Apple Ridge Condominium as recorded in Condominium Plat Book 6, Page 5; thence S84°33'37"E 977.03 feet to a point in said western right-of-way line of Randleman Road; thence along said western right-of-way line S27°19'56"W 475.76 feet to a point; thence continuing along said western right-of-way line along a curve to the left a chord bearing and distance S24°36'55"W 223.77 feet (radius = 2360.28 feet) to the point and place of BEGINNING, containing 9.26 acres more or less and shown on "Rezoning Map Schwarz Properties, LLC" prepared by Davis-Martin-Powell & Associates, Inc., dated November 2001.

Section 2. That the issuance of a Conditional Use Permit in accordance with the above-mentioned change in zoning classification is hereby authorized subject to the following use limitations and conditions:

1. Property use shall be limited to the development of a neighborhood shopping center.
2. All uses allowed in the Shopping Center zoning district with the exception of the following: No Sexually Oriented Businesses and No Bars allowed; No Car Washes, No Auto/Vehicle Repair Services, No Vehicle Sales and Rentals; No Drive-Thru Restaurants; No Gas/Convenience Stores; No Boat Sales and Repairs; No Tire Sales/Repairs; No Hotels/Motels; No Theaters; No Equipment Sales/Rentals.
3. Property shall be buffered by Type B Landscape Buffer w/fencing adjacent to residential properties; northside: min. 50 ft. distance from property line to building including 25 ft. min. planting yard; Westside: min. 90 ft. distance from property line to building with 25 ft. min. planting yard; eastside: min. 68 ft. distance from street to building with varying planting yard.
4. No Billboard signage.
5. All perimeter lighting shall be directed inward to safely light the site at entrances, parking and service areas.
6. Site plan shall accommodate City plans to construct a sidewalk on property.
7. Retention pond shall be located on site at rear northwest corner.
8. Dumpsters shall be screened.
9. Deliveries shall be limited to Apple Ridge Road.
10. Access shall be limited to one driveway access #1 on Randleman Road (SR 1007) and one driveway access #2 on Apple Ridge Road.
11. Developer shall construct one full movement access (driveway #1) along Randleman Road providing one southbound right-turn lane into the site with 140 ft. taper and 75 ft. storage lane and two lanes for exiting southbound and northbound.
12. Developer shall construct one full movement access (driveway #2) along Apple Ridge Road at 250 ft. from Randleman Road intersection providing one lane for entry and two lanes for exit.
13. The proposed site accesses and auxiliary lanes shall be constructed to meet or exceed all min. requirements set forth by GDOT and NCDOT.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development to be made pursuant to any Conditional Use Permit shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

(Signed) Thomas M. Phillips

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The Mayor stated that this was the time and place set for a public hearing to consider a resolution authorizing on the basis of petition water main improvements in Brandt Trace Farm Road from Lake Brandt Road to Cul-de-sac. Mayor Holliday asked if anyone wished to be heard.

After Councilmember Perkins noted one of the petitioners had requested that Council adopt items 15-20 to provide water to the area as soon as possible, Councilmember Vaughan moved to close the public hearing. The motion was seconded by Councilmember Johnson and adopted unanimously. Councilmember Carmany thereupon moved adoption of the resolution. The motion was seconded by Councilmember Vaughan; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

B-326 RESOLUTION ORDERING THE MAKING OF CERTAIN LOCAL IMPROVEMENTS

BRANDT TRACE FARM ROAD FROM LAKE BRANDT ROAD TO CUL-DE-SAC

WHEREAS, due notice has been given that on the 15th day of January, 2002 at 6:00 p.m. in the Council Chamber in the Municipal Office Building a public hearing would be held on the improvements hereinafter described and that all objections to the legality of the making of the improvements are required by law to be made in writing, signed in person or by attorney, and filed with the City Clerk at or before the time of the public hearing; and

WHEREAS, the public hearing has now been held and no objections have been made to the making of the improvements;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

A. That the street or streets hereinabove set out is/are

BRANDT TRACE FARM ROAD FROM LAKE BRANDT ROAD TO CUL-DE-SAC

B. That the local improvements to be made on the street or streets set out above are as follows:

(a) Water Main Improvements. A water main to be laid on the street or streets hereinabove named within the limits defined, and necessary laterals to be laid for the proper connection of abutting property with the water main.

C. That the proportion of the cost of the improvements to be assessed against the abutting property and the terms of payment will be as provided in the Notice of Public Hearing which was served on the owners of the property to be assessed.

D. That this resolution be published one time in a newspaper published in the City of Greensboro as notice of the matters herein set out.

(Signed) Sandy Carmany

.....

Mayor Holliday stated that this was the time and place set for a public hearing to consider a resolution authorizing on the basis of petition water main improvements on Wood Meadow Road from Old Brandt Trace to Cul-de-sac. The Mayor asked if anyone wished to be heard.

There being no one present desiring to speak to this matter, Councilmember Perkins moved adoption of the resolution. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

W-228 RESOLUTION ORDERING THE MAKING OF CERTAIN LOCAL IMPROVEMENTS

WOOD MEADOW ROAD FROM OLD BRANDT TRACE TO CUL-DE-SAC

WHEREAS, due notice has been given that on the 15th day of January, 2002 at 6:00 p.m. in the Council Chamber in the Municipal Office Building a public hearing would be held on the improvements hereinafter described and that all objections to the legality of the making of the improvements are required by law to be made in writing, signed in person or by attorney, and filed with the City Clerk at or before the time of the public hearing; and

WHEREAS, the public hearing has now been held and no objections have been made to the making of the improvements;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

A. That the street or streets hereinabove set out is/are

WOOD MEADOW ROAD FROM OLD BRANDT TRACE TO CUL-DE-SAC

B. That the local improvements to be made on the street or streets set out above are as follows:

(b) Water Main Improvements. A water main to be laid on the street or streets hereinabove named within the limits defined, and necessary laterals to be laid for the proper connection of abutting property with the water main.

C. That the proportion of the cost of the improvements to be assessed against the abutting property and the terms of payment will be as provided in the Notice of Public Hearing which was served on the owners of the property to be assessed.

D. That this resolution be published one time in a newspaper published in the City of Greensboro as notice of the matters herein set out.

(Signed) Robert V. Perkins

.....

Mayor Holliday stated that this was the time and place set for a public hearing to consider a resolution authorizing on the basis of petition water main improvements on Deer Track Lane from Old Brandt Trace to Cul-de-sac. The Mayor asked if anyone wished to be heard.

There being no one present desiring to speak to this matter, Councilmember Perkins moved adoption of the resolution. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

D-134 RESOLUTION ORDERING THE MAKING OF CERTAIN LOCAL IMPROVEMENTS

DEER TRACK LANE FROM OLD BRANDT TRACE TO CUL-DE-SAC

WHEREAS, due notice has been given that on the 15th day of January, 2002 at 6:00 p.m. in the Council Chamber in the Municipal Office Building a public hearing would be held on the improvements hereinafter described and that all objections to the legality of the making of the improvements are required by law to be made in writing, signed in person or by attorney, and filed with the City Clerk at or before the time of the public hearing; and

WHEREAS, the public hearing has now been held and no objections have been made to the making of the improvements;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

A. That the street or streets hereinabove set out is/are

DEER TRACK LANE FROM OLD BRANDT TRACE TO CUL-DE-SAC

B. That the local improvements to be made on the street or streets set out above are as follows:

(c) Water Main Improvements. A water main to be laid on the street or streets hereinabove named within the limits defined, and necessary laterals to be laid for the proper connection of abutting property with the water main.

C. That the proportion of the cost of the improvements to be assessed against the abutting property and the terms of payment will be as provided in the Notice of Public Hearing which was served on the owners of the property to be assessed.

D. That this resolution be published one time in a newspaper published in the City of Greensboro as notice of the matters herein set out.

(Signed) Robert V. Perkins

.....

Mayor Holliday stated that this was the time and place set for a public hearing to consider a resolution authorizing on the basis of petition water main improvements on Barnfield Road from Brandt Trace Farm Road to Cul-de-sac. The Mayor asked if anyone wished to be heard.

There being no one present desiring to speak to this matter, Councilmember Perkins moved adoption of the resolution. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

B-327 RESOLUTION ORDERING THE MAKING OF CERTAIN LOCAL IMPROVEMENTS

BARNFIELD ROAD FROM BRANDT TRACE FARM ROAD TO CUL-DE-SAC

WHEREAS, due notice has been given that on the 15th day of January, 2002 at 6:00 p.m. in the Council Chamber in the Municipal Office Building a public hearing would be held on the improvements hereinafter described and that all objections to the legality of the making of the improvements are required by law to be made in writing, signed in person or by attorney, and filed with the City Clerk at or before the time of the public hearing; and

WHEREAS, the public hearing has now been held and no objections have been made to the making of the improvements;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

A. That the street or streets hereinabove set out is/are

BARNFIELD ROAD FROM BRANDT TRACE FARM ROAD TO CUL-DE-SAC

B. That the local improvements to be made on the street or streets set out above are as follows:

- (d) Water Main Improvements. A water main to be laid on the street or streets hereinabove named within the limits defined, and necessary laterals to be laid for the proper connection of abutting property with the water main.

C. That the proportion of the cost of the improvements to be assessed against the abutting property and the terms of payment will be as provided in the Notice of Public Hearing which was served on the owners of the property to be assessed.

D. That this resolution be published one time in a newspaper published in the City of Greensboro as notice of the matters herein set out.

(Signed) Robert V. Perkins

.....

The Mayor stated that this was the time and place set for a public hearing to consider a resolution authorizing on the basis of petition water main improvements on Birch Knoll Road from Old Brand Trace to Cul-de-sac. Mayor Holliday asked if anyone wished to be heard.

There being no one present desiring to speak to this matter, Councilmember Perkins moved adoption of the resolution. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

B-328 RESOLUTION ORDERING THE MAKING OF CERTAIN LOCAL IMPROVEMENTS

BIRCH KNOLL ROAD FROM OLD BRANDT TRACE TO CUL-DE-SAC

WHEREAS, due notice has been given that on the 15th day of January, 2002 at 6:00 p.m. in the Council Chamber in the Municipal Office Building a public hearing would be held on the improvements hereinafter described and that all objections to the legality of the making of the improvements are required by law to be made in writing, signed in person or by attorney, and filed with the City Clerk at or before the time of the public hearing; and

WHEREAS, the public hearing has now been held and no objections have been made to the making of the improvements;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

A. That the street or streets hereinabove set out is/are

BIRCH KNOLL ROAD FROM OLD BRANDT TRACE TO CUL-DE-SAC

B. That the local improvements to be made on the street or streets set out above are as follows:

- (e) Water Main Improvements. A water main to be laid on the street or streets hereinabove named within the limits defined, and necessary laterals to be laid for the proper connection of abutting property with the water main.

C. That the proportion of the cost of the improvements to be assessed against the abutting property and the terms of payment will be as provided in the Notice of Public Hearing which was served on the owners of the property to be assessed.

D. That this resolution be published one time in a newspaper published in the City of Greensboro as notice of the matters herein set out.

(Signed) Robert V. Perkins

.....

Mayor Holliday stated that this was the time and place set for a public hearing to consider a resolution authorizing on basis of petition water main improvements on Old Brandt Trace from Brandt Trace Farm Road to Cul-de-sac. The Mayor asked if anyone wished to be heard.

There being no one present desiring to speak to this matter, Councilmember Perkins moved adoption of the resolution. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

0-89 RESOLUTION ORDERING THE MAKING OF CERTAIN LOCAL IMPROVEMENTS

OLD BRANDT TRACE FROM BRANDT TRACE FARM ROAD TO CUL-DE-SAC

WHEREAS, due notice has been given that on the 15th day of January, 2002 at 6:00 p.m. in the Council Chamber in the Municipal Office Building a public hearing would be held on the improvements hereinafter described and that all objections to the legality of the making of the improvements are required by law to be made in writing, signed in person or by attorney, and filed with the City Clerk at or before the time of the public hearing; and

WHEREAS, the public hearing has now been held and no objections have been made to the making of the improvements;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

A. That the street or streets hereinabove set out is/are

OLD BRANDT TRACE FROM BRANDT TRACE FARM ROAD TO CUL-DE-SAC

B. That the local improvements to be made on the street or streets set out above are as follows:

- (f) Water Main Improvements. A water main to be laid on the street or streets hereinabove named within the limits defined, and necessary laterals to be laid for the proper connection of abutting property with the water main.

C. That the proportion of the cost of the improvements to be assessed against the abutting property and the terms of payment will be as provided in the Notice of Public Hearing which was served on the owners of the property to be assessed.

D. That this resolution be published one time in a newspaper published in the City of Greensboro as notice of the matters herein set out.

(Signed) Robert V. Perkins

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Councilmember Carmany moved adoption of the Consent Agenda, as amended by the deletion of item #35 earlier in the meeting. The motion was seconded by Councilmember Vaughan; the amended Consent Agenda was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

01-6 ORDINANCE AMENDING STATE AND FEDERAL GRANT FUND BUDGET FOR FY 2001-2002
PARKS AND RECREATION PIEDMONT TRIAD COUNCIL OF GOVERNMENTS PROJECT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the State, Federal and Other Grant Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation for the State, Federal and Other Grant Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-5067-01.5237	Program Supplies	\$ 2,222
Total		\$ 2,222

and, that this increase be financed by increasing the following State, Federal and Other Grant Fund accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-5067-01.9101	Transfer from General Fund	\$ 222
220-5067-01.7170	Local Grant	<u>2,000</u>
Total		\$ 2,222

(Signed) Sandy Carmany

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1-02 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2002-09
WITH BEERS CONSTRUCTION COMPANY FOR THE NORTH BUFFALO BNR PILOT FACILITIES
IMPROVEMENTS PROJECT

WHEREAS, after due notice, bids have been received for the replacement of the aeration equipment as well as modifications for the North Buffalo BNR Pilot Facilities improvements project;

WHEREAS, Beers Construction Company, a responsible bidder, has submitted the low base and alternate bid in the total amount of \$558,900.00 as general contractor for Contract No. 2002-09, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO;

That the bid hereinabove mentioned submitted by Beers Construction Company is hereby accepted, and the Mayor and City Clerk are hereby authorized to execution on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made from Account No. 501-7051-01 6059 CBR 20.

(Signed) Sandy Carmany

(A tabulation of bids for the North Buffalo BNR Pilot Facilities Improvements Project is filed with the above resolution and is hereby referred to and made a part of these minutes.)

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2-02 RESOLUTION AUTHORIZING AND APPROVING CONVEYANCE OF EASEMENTS TO HUNTER HILLS FRIENDS CHURCH

WHEREAS, in 1958 Hunter Hills Friends Church dedicated a park to the City of Greensboro;

WHEREAS, it is the desire of the Church to build a Family Life Center on the property located at 1201 Merritt Drive, which building will need to connect to the existing sanitary sewer outfall and an existing 15 inch storm sewer pipe located on the property, said property being shown on the attached map;

WHEREAS, the access to these line will require a 20' wide permanent utility easement and a 15' wide permanent drainage easement across the park property;

WHEREAS, the Parks and Recreation Department has agreed to allow access to these lines across the park property without any charge to the Church.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the conveyance of the 20' wide permanent utility easement and the 15' wide permanent drainage easement to the Hunter Hills Friends Church across City property is hereby authorized and approved.

(Signed) Sandy Carmany

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3-02 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2000-19 WITH ENVIRONMENTAL PIPELINE REHABILITATION, INC. FOR SANITARY SEWER REHABILITATION PROJECT "F" IMPROVEMENTS

WHEREAS, Contract No. 2001-19 with Environmental Pipeline Rehabilitation, Inc. provides for sanitary sewer rehabilitation Project "F" improvements;

WHEREAS, due to special conditions of the Contract, the City reserves the right to extend this Contract as a "Unit Price Contract" for a period of 12 months from the award date, thereby necessitating a change order in the contract in the amount of \$272,415.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with Environmental Pipeline Rehabilitation, Inc. for the Sanitary Sewer Rehabilitation Project "F" Improvements is hereby authorized at a total cost of \$272,415.00, payment of said additional amount to be made from Account No. 503-7011-02.6017 (007).

(Signed) Sandy Carmany

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4-02 RESOLUTION AUTHORIZING INSTALLATION OF WATER LINE AND SANITARY SEWER MAIN IN THE TWILLA ACRES SUBDIVISION UNDER AGREEMENT BETWEEN CITY OF GREENSBORO AND GUILFORD COUNTY

WHEREAS, Guilford County has recently authorized the installation of an 8-inch water line along Ranhurst Road, Easthurst Road and Freiden Church Road and an 8-inch sewer line along Ranhurst Road, Easthurst Road and Freiden Church Road to serve Twilla Acres Subdivision, in accordance with the Consolidated Water and Sewer Agreement between the County and the City;

WHEREAS, the project will be financed by the County;

WHEREAS, this property is located within the perimeters established under the City Water and Sewer Policy adopted August 21, 2001;

WHEREAS, in the opinion of the City Council, the best interest of the City will be served by the construction of the water and sewer lines in accordance with said agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the construction of the above mentioned water and sewer lines in accordance with the agreement between the City of Greensboro and Guilford County is hereby authorized; provided that there shall be no assessments levied.

(Signed) Sandy Carmany

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5-02 RESOLUTION AUTHORIZING AND APPROVING MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE REINSPECTION OF BRIDGES ON THE MUNICIPAL STREET SYSTEM

WHEREAS, the City of Greensboro has requested the Department of Transportation to perform certain work under the Federal-Aid Highway Bridge Replacement and Rehabilitation Program, said work to consist of the reinspection and analysis of all public bridges on the Municipal Street System in the City of Greensboro;

WHEREAS, the City of Greensboro proposes to enter into an agreement with the North Carolina Department of Transportation for said work wherein the Department of Transportation or a consulting engineering firm retained by the Department of Transportation will reinspect and prepare the necessary reports for all public bridges on the Municipal Street System in accordance with the National Bridge Inspection Standards;

WHEREAS, under the proposed agreement, the Federal Highway Administration, shall reimburse the Department of Transportation for eighty (80) percent of the cost of the work subject to compliance with all applicable federal policy and procedural rules and regulations;

WHEREAS, under the proposed agreement the City of Greensboro shall reimburse the Department of Transportation for all costs of the work incurred by the Department of Transportation not paid by the Federal Highway Administration.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the agreement for the hereinabove referenced bridge inspection work is hereby approved by the City Council, and the Mayor and City Clerk are hereby authorized to sign and execute the required agreement between the City of Greensboro and the North Carolina Department of Transportation.

(Signed) Sandy Carmany

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6-02 RESOLUTION RESCINDING RESOLUTION AUTHORIZING THE MAKING OF CERTAIN LOCAL IMPROVEMENTS IN WILLARD STREET FROM TEXTILE DRIVE TO APPROXIMATELY 720' SOUTH OF TEXTILE DRIVE

WHEREAS, on October 6, 1999, the City Council authorized the installation of a 6" water main in Willard Street from Textile Drive to approximately 720' south of Textile Drive;

WHEREAS, the improvements called for were for the replacement of a sub-standard water main to improve the water flow and pressure needed for fire protection;

WHEREAS, since the authorization the Water Resources Department adopted a policy that does not require assessments to be levied against adjoining property owners when a sub-standard water main is replaced;

WHEREAS, in the opinion of City Council, it is deemed in the best interest of the City of Greensboro to rescind the resolution adopted on October 6, 1999.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the resolution adopted by the City Council on October 6, 1999, authorizing the making of certain local improvements (water) in Willard Street from Textile Drive to approximately 720' south of Textile Drive is hereby in all respects rescinded.

(Signed) Sandy Carmany

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7-02 RESOLUTION RESCINDING RESOLUTION AUTHORIZING THE MAKING OF CERTAIN LOCAL IMPROVEMENTS IN ALTON STREET FROM DELANCY STREET TO HOLT AVENUE

WHEREAS, on September 21, 1999, the City Council authorized the installation of a 6" water main in Alton Street from Delancy Street to Holt Avenue;

WHEREAS, the improvements called for were for the replacement of a sub-standard water main to improve the water flow and pressure needed for fire protection;

WHEREAS, since the authorization the Water Resources Department adopted a policy that does not require assessments to be levied against adjoining property owners when a sub-standard water main is replaced;

WHEREAS, in the opinion of City Council, it is deemed in the best interest of the City of Greensboro to rescind the resolution adopted on September 21, 1999.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the resolution adopted by the City Council on September 21, 1999, authorizing the making of certain local improvements (water) in Alton Street from Delancy Street to Holt Avenue is hereby in all respects rescinded.

(Signed) Sandy Carmany

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8-02 RESOLUTION RESCINDING RESOLUTION AUTHORIZING THE MAKING OF CERTAIN LOCAL IMPROVEMENTS IN COURTLAND STREET FROM MENDENHALL STREET TO HILLSIDE DRIVE

WHEREAS, on September 21, 1999, the City Council authorized the installation of a 6" water main in Courtland Street from Mendenhall Street to Hillside Drive;

WHEREAS, the improvements called for were for the replacement of a sub-standard water main to improve the water flow and pressure needed for fire protection;

WHEREAS, since the authorization the Water Resources Department adopted a policy that does not require assessments to be levied against adjoining property owners when a sub-standard water main is replaced;

WHEREAS, in the opinion of City Council, it is deemed in the best interest of the City of Greensboro to rescind the resolution adopted on September 21, 1999.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the resolution adopted by the City Council on September 21, 1999, authorizing the making of certain local improvements (water) in Courtland Street from Mendenhall Street to Hillside Drive.

(Signed) Sandy Carmany

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9-02 RESOLUTION CALLING A PUBLIC HEARING FOR FEBRUARY 5, 2002 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – LOCATED AT 3216 HORSE PEN CREEK ROAD – 9.62 ACRES

WHEREAS, the owners of all the hereinafter described property, which is non-contiguous to the City of Greensboro, have requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 58.1 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 15th day of January, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT 3216 HORSE PEN CREEK ROAD – 9.62 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at the northwest corner of Lot 1 of Harold Anderson Subdivision, recorded in Plat Book 64, Page 130 in the Office of the Register of Deeds of Guilford County; thence S 05° 29' 07" W 265.42 feet along the western line of said Lot 1 to the southwest corner of said Lot 1; thence S 06° 44' 11" W 341.31 feet along the western line of Lot 2 of Property of Harold Anderson and Others, recorded in Plat Book 102, Page 31 in the Office of the Register of Deeds; thence continuing along said western line S 06° 06' 34" W 191.98 feet to the southwest corner of said Lot 2; thence N 87° 40' 20" W 521.48 feet along the northern line of the Francis J. Stanley heirs, as recorded in Will Book 97-E 1834 in the Office of the Register of Deeds, to the northwest corner of Stanley heirs; thence N 12° 15' 08" E 25.77 feet to an existing iron pipe, a corner with Robert and Kim Hotchkiss; thence N 07° 32' 07" E 173.75 feet along Hotchkiss's eastern line to a point; thence N 03° 28' 53" E 94.51 feet along Hotchkiss's eastern line to a corner of Hotchkiss and Morehead United Methodist Church; thence continuing N 03° 28' 53" E 491.81 feet with the eastern line of Morehead United Methodist Church to a point in the southern right-of-way line of Horse Pen Creek Road (N.C.S.R. 2182); thence in an easterly direction along said right-of-way line approximately 545 feet to the point and place of BEGINNING, and containing approximately 9.62 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after April 30, 2002, the liability for municipal taxes for the 2001-2002 fiscal year shall be prorated on the basis of 2/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2002. Municipal ad valorem taxes for the 2002-2003 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after April 30, 2002.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That February 5, 2002 at 6:00 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than January 26, 2002.

(Signed) Sandy Carmany

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10-02 RESOLUTION CALLING A PUBLIC HEARING FOR FEBRUARY 5, 2002 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – LOCATED AT 3238 HORSE PEN CREEK ROAD – 2.02 ACRES

WHEREAS, the owners of all the hereinafter described property, which is non-contiguous to the City of Greensboro, have requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 58.1 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 15th day of January, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT 3238 HORSE PEN CREEK ROAD – 2.02 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at the northeast corner of Lot 3 of Property of Harold Anderson and Others, recorded in Plat Book 102, Page 31 in the Office of the Register of Deeds of Guilford County; thence N 82° 32' 38" W 153.54 feet along the southern right-of-way line of Horse Pen Creek Road (N.C.S.R. 2182) to the northwest corner of said Lot 3;

thence with the western line of said Lot 3 the following three courses and distances: S 04° 57' 56" W 283.86 feet, N 85° 04' 42" W 120.05 feet, and S 04° 56' 53" W 224.52 feet to the southwest corner of said Lot 3; thence N 84° 30' E 120.95 feet along the southern line of said Lot 3 to a point; thence N 61° 28' 46" E 160.96 feet along the southeastern line of said Lot 3 to a point; thence N 07° 55' 19" E 391.54 feet along the eastern line of said Lot 3 to the point and place of BEGINNING, and containing approximately 2.021 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after April 30, 2002, the liability for municipal taxes for the 2001-2002 fiscal year shall be prorated on the basis of 2/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2002. Municipal ad valorem taxes for the 2002-2003 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after April 30, 2002.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That February 5, 2002 at 6:00 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than January 26, 2002.

(Signed) Sandy Carmany

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11-02 RESOLUTION CALLING A PUBLIC HEARING FOR FEBRUARY 5, 2002 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – LOCATED AT 3326 HORSE PEN CREEK ROAD – 1.49 ACRES

WHEREAS, the owners of all the hereinafter described property, which is non-contiguous to the City of Greensboro, have requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 58.1 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 15th day of January, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT 3326 HORSE PEN CREEK ROAD – 1.49 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at an existing iron pin in the southern margin of Horse Pen Creek Road, being a common corner with Bonnie C. Lewis per Deed Book 2133, Page 253, in the Office of the Register of Deeds of Guilford County; thence proceeding along the southern margin of said road N 62° 01' 58" W 224.78 feet to an existing iron pin, a common corner with Ronnie Breedlove per Deed Book 3980, Page 666, in the Office of the Register of Deeds; thence along Breedlove's line S 04° 24' 07" W 204.98 feet to an existing iron pin; thence along the line of Lot 1, recorded in Plat Book 105, Page 118 in the Office of the Register of Deeds, S 04° 23' 16" W 212.87 feet to an existing iron pin, a common corner with Martin J. Lawler per Deed Book 3468, Page 699, in the Office of the Register of Deeds; thence along Lawlwer's line N 87° 43' 52" E 194.24 feet to an existing iron pin, a common corner with James R. Mood; thence along Moody's line N 03° 55' 53" E 99.98 feet to an existing iron pin in the line of Bonnie C. Lewis; thence along a common line with Lewis N 08° 15' 59" E 205.92 feet to the point and place of BEGINNING, and containing approximately 1.49 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after April 30, 2002, the liability for municipal taxes for the 2001-2002 fiscal year shall be prorated on the basis of 2/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2002. Municipal ad valorem taxes for the 2002-2003 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after April 30, 2002.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That February 5, 2002 at 6:00 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than January 26, 2002.

(Signed) Sandy Carmany

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12-02 RESOLUTION CALLING A PUBLIC HEARING FOR FEBRUARY 5, 2002 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – LOCATED AT 4801 BURLINGTON ROAD (HIGHWAY 70 EAST) – 18.05 ACRES

WHEREAS, the owners of all the hereinafter described property, which is non-contiguous to the City of Greensboro, have requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 58.1 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 15th day of January, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT 4801 BURLINGTON ROAD (HIGHWAY 70 EAST) – 18.05 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point marking the center of the intersection of the Norfolk Southern railroad track with the former Four Mile Loop; thence along the centerline of the railroad track the following courses and distances: N 45° 00' E 142.98 feet, N 43° 27' E 467.70 feet, N 44° 33' E 99.66 feet, N 46° 51' E 100.67 feet, N 49° 25' E 103.20 feet, N 52° 03' E 103.56 feet, N 54° 49' E 106.96 feet, N 57° 34' E 110.50 feet, and N 59° 47' E 195.80 feet to a point in the center of the intersection of the railroad track with the former centerline of South Buffalo Creek; thence in a general southern direction with said former creek centerline, as it meandered, a total distance of 1,981 feet to the center point of the intersection of the former centerline of said creek and the former centerline of U.S. Highway 70-A; thence continuing with the former centerline of said creek, as it meandered, 132 feet to a point in the former creek centerline; thence N 70° 56' W 696.44 feet to the point and place of BEGINNING, and containing approximately 18.05 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after April 30, 2002, the liability for municipal taxes for the 2001-2002 fiscal year shall be prorated on the basis of 2/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2002. Municipal ad valorem taxes for the 2002-2003 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after April 30, 2002.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That February 5, 2002 at 6:00 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than January 26, 2002.

(Signed) Sandy Carmany

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13-02 RESOLUTION CALLING A PUBLIC HEARING FOR FEBRUARY 5, 2002 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – LOCATED WEST OF REHOBETH CHURCH ROAD AND NORTH OF INTERSTATE 85 BYPASS – 46.607 ACRES

WHEREAS, the owners of all the hereinafter described property, which is non-contiguous to the City of Greensboro, have requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 58.1 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 15th day of January, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED WEST OF REHOBETH CHURCH ROAD AND NORTH OF INTERSTATE 85 BYPASS – 46.607 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at an existing iron pipe in the western right-of-way line of Rehobeth Church Road (N.C.S.R. 1115), said iron stake being the southeast corner of the G. N. Bishop property described in Deed Book 2339, Page 397, Guilford County Registry; thence on a continuous clockwise curve to the right, having a chord bearing and distance of S 14° 37' 45" W 201.08 feet (said curve having a radius of 1,124.70 feet and an arc distance of 201.35 feet) to a point; thence S 19° 45' 09" W 208.34 feet to a point; thence on a continuous, counterclockwise curve to the left, having a chord bearing and distance of S 17° 47' 51" W 208.65 feet (said curve having a radius of 3,058.34 feet and an arc distance of 208.69 feet) to a point; thence S 15° 50' 34" W 373.91 feet to a right-of-way disk; thence N 74° 09' 26" W 52.0 feet a monument; thence S 15° 50' 34" W 211.34 feet to an iron stake; thence N 78° 42' 42" W 212.87 feet to a point; thence S 09° 14' 08" W 44.64 feet to a point in the northern right-of-way line of the I-85 Greensboro Bypass; thence with the right-of-way line of the off ramp from the I-85 Bypass to US Highway 220 the following eight calls and distances: N 81° 34' 00" W 244.58 feet to a highway monument, N 77° 57' 17" W 236.32 feet to a highway monument, on a continuous clockwise curve to the right, having a chord bearing and distance of N 63° 25' 48" W 434.99 feet (said curve having a radius of 1,213.90 feet and an arc distance of 437.35 feet) to a highway monument, on a continuous clockwise curve to the right, having a chord bearing and distance of N 49° 53' 04" W 192.31 feet [said curve having an arc distance of 192.96 feet (spiral)] to a point, on a continuous clockwise curve to the right, having a chord bearing and distance of N 47° 47' 40" W 44.46 feet [said curve having an arc distance of 44.46 feet (spiral)] to a point, N 47° 44' 14" W 311.09 feet, on a continuous clockwise curve to the right, having a chord bearing and distance of N 45° 31' 07" W 184.92 feet [said curve having an arc distance of 185.04 feet (spiral)] to a point, and on a continuous clockwise curve to the right, having a chord bearing and distance of N 26° 16' 47" W 363.43 feet (said curve having a radius of 721.78 feet and an arc distance of 367.39 feet) to a right-of-way disk in the eastern right-of-way line of US Highway 220; thence with said eastern right-of-way line on a continuous, counterclockwise curve to the left, having a chord bearing and distance of N 07° 07' 09" E 359.48 feet (said curve having a radius of 4,483.23 feet and an arc distance of 359.58 feet) to an iron stake, said iron stake being the southwest corner of the Nugget Ridge Association, Inc. property described in Plat Book 72, Page 286, Guilford County Registry; thence with the southern boundary line of said subdivision S 83° 58' 09" E 530.24 feet to an existing iron stake in the western boundary of the Timbercreek Apartments, described in Plat Book 83, Page 75, Guilford County Registry; thence with the western boundary of the said apartments S 01° 47' 21" W 112.89 feet to an existing axle, said axle being the southwest corner of said apartments; thence with the southern boundary of the said apartments the following three calls and distances: S 84° 30' 30" E 495.89 feet to an existing iron pipe, S 84° 55' 39" E 41.77 feet to a point, and S 84° 54' 39" E 600.00 feet to an existing iron pipe, being the southwest corner of the aforesaid G. N. Bishop property; thence with the southern boundary of the said Bishop property S 85° 00' 20" E 476.46 feet to the point and place of BEGINNING, and containing 46.607 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected

either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after April 30, 2002, the liability for municipal taxes for the 2001-2002 fiscal year shall be prorated on the basis of 2/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2002. Municipal ad valorem taxes for the 2002-2003 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after April 30, 2002.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That February 5, 2002 at 6:00 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than January 26, 2002.

(Signed) Sandy Carmany

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14-02 RESOLUTION APPROVING REQUEST BY MCGEE STREET PARTNERS, LLC FOR ENCROACHMENT AGREEMENT AND "NO-BUILD" EASEMENT ONTO CITY-OWNED PROPERTY AT THE SOUTHEAST CORNER OF THE INTERSECTION OF MCGEE STREET AND GREENE STREET FOR REHABILITATION OF THE CAROLINA HOTEL BUILDING PROPERTY

WHEREAS, McGee Street Partners, LLC, has requested that the City permit an encroachment of 0.79 feet for the rehabilitation of the façade of an existing building at 121 West McGee Street over adjacent City property;

WHEREAS, McGee Street Partners, LLC has also requested that the City grant a no-build easement and restrictive covenant extending 15.79 feet onto City property located at the southeast intersection of Greene and McGee Streets to allow the construction of windows into its west wall eliminating the need for the construction of a firewall;

WHEREAS, the owner has agreed to enter into an Agreement with the City of Greensboro which, among other things, will indemnify the City from any claim or damages that may occur due to the rehabilitation of the portion of the building located on City property;

WHEREAS, it is deemed in the best interest of the City to permit the encroachment of said building and no-build easement in accordance with the terms and conditions of an Agreement to be approved by the City Manager and City Attorney.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro an appropriate encroachment Agreement with McGee Street Partners, LLC to permit rehabilitation of the façade of the

building located at 121 McGee Street encroaching onto City property and a no-build easement and restrictive covenant extending 15.79 feet onto the abutting City property, all in accordance with the terms and conditions set out therein.

(Signed) Sandy Carmany

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15-02 RESOLUTION APPROVING SECOND DEFERRED LOAN, GRANT AND THE SALE OF 1700 MARTIN LUTHER KING, JR. DRIVE FROM THE REDEVELOPMENT COMMISSION OF GREENSBORO TO GREENSBORO HOUSING DEVELOPMENT PARTNERSHIP (GHDP)

WHEREAS, the Redevelopment Commission of Greensboro has approved the sale and the rehabilitation of 1700 Martin Luther King, Jr. Drive, a historic house in the Arlington Park neighborhood;

WHEREAS, upon completion of the rehabilitation the house will be sold subject to restrictive and preservation covenants;

WHEREAS, the estimated cost of rehabilitation is \$302,302.30 and will be completed within the 2-year time limit;

WHEREAS, 1700 Martin Luther King, Jr. Drive qualifies for a grant of \$187,352.30.00 and a deferred second mortgage in the amount of \$22,990.00;

WHEREAS, it is deemed in the best interest of the City to approve the sale, grant and second deferred loan to Greensboro Housing Development Partnership.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the sale and the grant in the amount of \$187,352.30 and the second deferred mortgage in the amount of \$22,990.00 are hereby approved.

(Signed) Sandy Carmany

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16-02 RESOLUTION ACCEPTING DONATION FROM THE REDEVELOPMENT COMMISSION OF GREENSBORO TO THE CITY OF GREENSBORO FOUR LOTS IN THE BENJAMIN BENSON REDEVELOPMENT AREA AND AUTHORIZING THE SUBSEQUENT CONVEYANCE OF SAID LOTS TO PROJECT HOMESTEAD

WHEREAS, on January 15, 2002, the Redevelopment Commission will vote to approve the conveyance of four lots in the Benjamin Benson Redevelopment Area to the City of Greensboro for subsequent donation to Project Homestead;

WHEREAS, the said lots will be replatted and six new affordable houses will be built by Project Homestead;

WHEREAS, it is in the best interest of the City to accept the donation of these lots and subsequently convey said lots to Project Homestead.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the donation of four lots from the Redevelopment Commission of Greensboro to the City of Greensboro in the Benjamin Benson Redevelopment Area is hereby accepted and the City is hereby authorized to convey said lots to Project Homestead.

(Signed) Sandy Carmany

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17-02 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2001-50 WITH BAKER CONSTRUCTION COMPANY FOR WATER AND SEWER IMPROVEMENT PROJECTS

WHEREAS, after due notice, bids have been received for water and sewer improvements for several City projects;

WHEREAS, Baker Construction Company, a responsible bidder, has submitted the low base and alternate bid in the total amount of \$286,862 as general contractor for Contract No. 2001-50, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Baker Construction Company is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment in the amount of \$92,589.90 to be made from Account No. 03-7011-01.6016 CBR 003 and payment in the amount of \$194,272.10 to be made from Account No. 503-7011-01.6017 CBR 006.

(Signed) Sandy Carmany

(A tabulation of bids for water and sewer improvements is filed with the above resolution and is hereby referred to and made a part of these minutes.)

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18-02 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2001-49 WITH YATES CONSTRUCTION COMPANY, INC. FOR SIDEWALK IMPROVEMENT PROJECTS

WHEREAS, after due notice, bids have been received for sidewalk improvements for several City projects;

WHEREAS, Yates Construction Company, Inc., a responsible bidder, has submitted the low base and alternate bid in the total amount of \$369,457.00 as general contractor for Contract No. 2001-49, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Yates Construction Company, Inc. is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment from Account No. 402-6002-01.6015 CBR 001.

(Signed) Sandy Carmany

(A tabulation of bids for sidewalk improvement projects is filed with the above resolution and is hereby referred to and made a part of these minutes.)

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19-02 RESOLUTION AUTHORIZING INSTALLATION OF WATER LINE ALONG U.S. 29 NORTH
UNDER AGREEMENT BETWEEN CITY OF GREENSBORO AND GUILFORD COUNTY

WHEREAS, on January 17, 2002 Guilford County will vote on the authorization for the installation of an 8-inch water line along U.S. 29 North from Anita Lane to 425 feet south of Esterwood Road to serve CGR Valley Products, in accordance with the Consolidated Water and Sewer Agreement between the County and the City;

WHEREAS, the project will be privately financed by the owner;

WHEREAS, this property is located within the perimeters established under the City Water and Sewer Policy adopted August 21, 2001;

WHEREAS, in the opinion of the City Council, the best interest of the City will be served by the construction of the water line in accordance with said agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the construction of the above mentioned water and sewer lines in accordance with the agreement between the City of Greensboro and Guilford County is hereby authorized; provided that there shall be no assessments levied.

(Signed) Sandy Carmany

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Motion to make a part of the minutes reports of budget adjustments covering periods November 1-30 and December 1-31, 2002 was unanimously adopted. (A copy of the reports is filed in Exhibit Drawer N, Exhibit Number 1, which is hereby referred to and made a part of these minutes.)

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Mayor Holliday introduced a resolution modifying the Weaver Parks Fund to include the acquisition, at the request of the Guilford Battleground Company, of parkland, in an amount not to exceed \$150,000.00, for expanding the Guilford Courthouse National Military Park and the expenditure of additional funds for the acquisition of property for Freedom Park.

After brief discussion, Councilmember Gatten moved adoption of the resolution. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

20-02 RESOLUTION MODIFYING THE WEAVER PARKS FUND TO INCLUDE THE ACQUISITION, AT THE REQUEST OF THE GUILFORD BATTLEGROUND COMPANY, OF PARKLAND, IN AN AMOUNT NOT TO EXCEED \$150,000.00, FOR EXPANDING THE GUILFORD COURTHOUSE NATIONAL MILITARY PARK AND THE EXPENDITURE OF ADDITIONAL FUNDS FOR THE ACQUISITION OF PROPERTY FOR FREEDOM PARK

WHEREAS, in 1997 The Weaver Foundation created the Weaver Parks Fund for the possible acquisition of parkland, greenways, open space and trails;

WHEREAS, the assets of this fund, now in excess of \$1,150,000.00 are held by The Community Foundation with the Community Foundation Real Estate Management Fund managing those assets;

WHEREAS, the City may request the purchase of possible parks land to be held by the Foundation for future acquisition by the City under the terms of the existing Agreement;

WHEREAS, Guilford Battleground Company wishes to participate in the operation of the Fund to the extent of \$150,000.00 to be set up in a Sub-Fund for acquisition of additional land for the Guilford Courthouse National Military Park, which fund, would be a revolving, self-sustaining Sub-Fund;

WHEREAS, at this time other parties to the original agreement are requesting that an additional sum from the Fund be utilized by the Community Foundation, or other party, to acquire property for Freedom Square, other Downtown park purposes, or for parkland operation;

WHEREAS, should the expenditure be made from the Fund, and acquired parkland be conveyed to the City, the conveyance to the City would be by gift, and without payment or other reimbursements or consideration by the City, of fair market value or expenditures as required by paragraph 5, or other provisions, of the Weaver Parks Fund Agreement, dated August 13, 1997;

WHEREAS, the citizens of the City of Greensboro would greatly benefit by the additional parks and it is in the best interest of the City to modify said Weaver Parks Fund Agreement to include the expenditure of additional funds for parkland.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the City Manager is hereby authorized to execute a Modification Agreement to the Weaver Parks Fund Agreement approving the expenditures from the Fund for the acquisition of property for the Guilford Courthouse National Military Park in a dollar amount not to exceed \$150,000.00 and for the acquisition of additional property from the Fund for the park project known as Freedom Square, or other Downtown park purposes, upon the condition that the property so acquired, if conveyed to the City, be conveyed as a gift or other consideration free conveyance.

(Signed) Florence F. Gatten

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The Mayor introduced a resolution approving expenditure of \$15,000 from Council Contingency Fund to provide an additional grant for 2001-02 Fun Fourth fireworks sponsorship.

After brief discussion, Councilmember Gatten moved adoption of the resolution. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

21-02 RESOLUTION APPROVING EXPENDITURE OF \$15,000.00 FROM COUNCIL CONTINGENCY FUND TO PROVIDE AN ADDITIONAL GRANT FOR 2001-02 FUN FOURTH FIREWORKS SPONSORSHIP

WHEREAS, Fun Fourth Festival staged the annual fireworks display for the enjoyment of over 50,000.00 area citizens on August 4, 2001;

WHEREAS, the primary sponsor of the display, TIMCO, advised the Festival in May that it would not continue its \$25,000.00 sponsorship for 2001;

WHEREAS, Fun Fourth Festival has raised funds in the amount of \$9,400.00 through corporate and individual contributions and needs an additional \$15,000.00 to cover the cost of the 2001 display;

WHEREAS, the City has supported the Fun Fourth Festival in the past and it is deemed in the best interest of the City to continue its support.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the expenditure of \$15,000.00 from the Contingency Fund to support 2001-02 Fun Fourth Fireworks sponsorship is hereby approved.

(Signed) Florence F. Gatten

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Mayor Holliday introduced an ordinance amending the State, Federal and other grants fund budget for the Metropolitan Medical Response System.

After a brief explanation by the Manager, Councilmember Burroughs-White moved adoption of the ordinance. The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

02-7 ORDINANCE AMENDING THE STATE, FEDERAL AND OTHER GRANTS FUND BUDGET FOR THE METROPOLITAN MEDICAL RESPONSE SYSTEM

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the State, Federal and Other Grants Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the State, Federal and Other Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-4055-01.5000	Maintenance and Operations	<u>\$200,000</u>
Total		\$200,000

And, that this increase be financed by increasing the following State, Federal and Other Grants Fund accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-4055-01.5000	Maintenance and Operations	\$200,000

(Signed) Claudette Burroughs-White

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Councilmember Burroughs-White advised that Dorothy Brown had declined appointment to the Human Relations Commission at this time, but had asked that her name remain in the boards and commissions data bank for future consideration. Councilmember Burroughs-White moved that Ms. Brown's name be removed from the Human Relations Commission. The motion was seconded by Councilmember Phillips and adopted unanimously by voice vote of Council.

Councilmember Burroughs-White added the name of Linda Wilson to the boards and commissions data bank for consideration for future service on the Commission on the Status of Women.

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Councilmember Johnson stated that she intended to appoint Tim Bryson to a board or commission at the next Council meeting; she requested that the Clerk provide to Council a copy of his resume.

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Councilmember Vaughan moved that James M. Borden be appointed to serve a term on the Community Resource Board in the position formerly held by Rudy Binder; this term will expire 15 August 03. The motion was seconded by Councilmember Burroughs-White and adopted unanimously by voice vote of Council.

After Councilmember Vaughan spoke to a recent newspaper article about the City's recycling contract and questioned the bid process, he indicated that he wished to review the contract.

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Councilmember Jessup requested a report from the Police Chief regarding a homicide on Phillips Avenue and prostitution. After discussion, it was determined that this item would be placed on the January 22, 2002 Council Briefing agenda.

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Councilmember Carmany moved that Ruth Rideout be appointed to serve a term on the Minimum Housing Standards Commission in the position formerly held by Robert Midgett; this term will expire 15 August 04. The motion was seconded by Councilmember Jessup and adopted unanimously by voice vote of Council.

Councilmember Carmany added the name of Ron Miller to the boards and commissions data bank for consideration for future service in no specific area.

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Some members of Council discussed various meetings and items of interest.

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The Mayor reminded Council of the work session scheduled for January 16, the Council Briefing on January 22 and the District Five Council meeting scheduled for January 29.

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Councilmember Phillips moved that the City Council adjourn. The motion was seconded by Councilmember Burroughs-White and adopted unanimously by voice vote of the Council.

THE CITY COUNCIL ADJOURNED AT 1:08 A.M. ON 1-16-02

KEITH A. HOLLIDAY
MAYOR

JUANITA F. COOPER
CITY CLERK
